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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,273	03/16/2001	Hiroyuki Nishii	Q63124	4971

7590

04/01/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,273

Applicant(s)

NISHII ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8 and 12 is/are rejected.
- 7) ☒ Claim(s) 3 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-18-2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment dated December 29, 2003. Claims 4, 5, 10, and 11 were amended. Claims 1-12 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The examiner is including a signed and initialed copy of the IDS filed on July 18, 2002 with this Office action. The copy of the IDS in the application file was previously not initialed by the "Japanese Office Action dated April 16, 2002" entry.
4. The rejection of claims 3 and 9 under 35 USC 102(b) as being anticipated by Yamashita et al. (US 5,189,405) is withdrawn upon reconsideration of the disclosure of Yamashita et al. regarding sheet (3). Yamashita et al. describes sheet (3) as being moisture proof. The instant claims require a reinforcing layer for the porous layer, which in combination are an air-permeable laminate sheet. Yamashita et al. fails to disclose specifically two sheets that have a permeability property.
5. Claims 1, 2, 6-8, and 12 are again rejected under 35 USC 102(b) as being anticipated by Yamashita et al. (US 5,189,405). Yamashita et al. describes a covering over a thin film electroluminescent element (see abstract). The "moisture absorption sheet" (4), which may be formed of woven fabric (see col. 3, lines 6-7) reads upon the instant porous material and dispersed in the sheet is moisture absorbent powder per the instant removing agent capable of removing a prescribed gaseous component. The removing agent removes moisture, which is found in gaseous form in the atmosphere. The container described by Yamashita is formed of

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multi-layered sheets. The resin layer (53) reads upon the non-porous sheet of instant claims 2 and 8. The moisture absorbent sheet (4) reads upon the porous sheet of instant claims 2 and 8. They are attached at the peripheries of the sheets (see figure).

6. Claims 1, 6, 7, and 12 are again rejected under 35 U.S.C. 102(a) as being anticipated by Ebisawa et al. (EP 0 969 700 A1). Ebisawa discloses an organic EL structure comprising a gas-tight casing (see abstract). Part of the container is a sheet (5) having gas and water permeability (see col. 4, lines 56-57) per the porous material. The sheet is attached at the side of the casing per the requirement to be attached at the periphery. The desiccant (6) reads upon the instant removing agent. The desiccant removes water vapor (see paragraphs 16-19). Ebisawa et al. is deemed to disclose all components of claims 1, 6, 7, and 12.

7. Claims 1, 6, 7, and 12 are again rejected under 35 U.S.C. 102(e) as being anticipated by Ebisawa et al. (US 6,284,342). Ebisawa discloses an organic EL structure comprising a gas-tight casing (see abstract). Part of the container is a sheet (5) having gas and water permeability (see col. 4, lines 7-10) per the porous material. The sheet is attached at the side of the casing per the requirement to be attached at the periphery. The desiccant (6) reads upon the instant removing agent. The desiccant removes water vapor (see col. 3, lines 11-59). Ebisawa et al. is deemed to disclose all components of claims 1, 6, 7, and 12.

Allowable Subject Matter

8. Claims 4, 5, 10, and 11 are allowed. Reasons for allowance were set forth in the last Office action.

9. Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

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and any intervening claims. The closest prior art is considered to be Yamashita et al. (US 5,189,405). While Yamashita discusses a protective layer for an electroluminescent device, Yamashita et al. fails to disclose an air-permeable laminate sheet comprising both a porous layer and a reinforcing layer. Yamashita only discloses sheet (4) is permeable.

Response to Arguments

10. Applicant's arguments filed December 29, 2003 have been fully considered but they are not persuasive.

11. With regard to the rejection over Yamashita et al., applicant argues "the moisture absorbent sheet of Yamashita et al. is not used in the form of a container as presently claimed". The examiner submits the laminate sheets of Yamashita et al. are part of the enclosing container around the EL device and read upon applicant's broadly disclosed container. Furthermore, the examiner respectfully submits Yamashita does disclose a porous portion (sheet number 4) and a non-porous material (layer number 53). Applicant further argues "Yamashita et al. neither discloses nor suggests the mechanism of absorption of the moisture or gas according to the present invention." In response, the examiner notes no claims are drawn to a mechanism of absorption, but rather merely require a removing agent to be present.

12. With regard to the rejection over Ebisawa et al. (EP 969700) and (US 6,284,342), applicant argues "Ebisawa et al. do not disclose a container a part of which is made of a porous material." The examiner respectfully submits the drawings shown by Ebisawa clearly depict a container surrounding an EL device. The container comprises a permeable sheet joined to the side of the sealing plate and further contains a desiccant (removing agent).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached at 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dawn Garrett
DAWN GARRETT
PATENT EXAMINER
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D.G.
March 22, 2004